IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 27204 of 2005

Between:

K.Srinivasa Reddy

..... PETITIONER

AND

District Collector, Prakasam District,

Ongole and 5 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the proceedings dated 25.11.2005 in Rc.CS2/3808/2005 passed by the 1st respondent thereby staying operation of order dated 10.10.2005 in D.Dis.CS2/4043/2004 passed by the 2nd respondent, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner, learned Government Pleader for Civil Supplies, appearing for respondents 1 to 4 and Sri M.Ramalingeswara Reddy, appearing for respondents 5 and 6.

The petitioner is the fair price shop dealer of Nadigadda village, Tripuranthakam Mandal of Prakasam District. The dealership of the petitioner was cancelled by the 3rd respondent vide his proceedings dated 07.10.2004. Against which, the petitioner filed an appeal before the 2nd respondent and the appellate authority allowed the appeal, holding that the charges levelled against the petitioner are trivial and technical in nature. As against the appellate order, respondents 5 and 6 filed revision before the 1st respondent, and the revisional authority, even before issuing any notice to the petitioner and without giving any reasonable opportunity, granted ex parte stay of operation of the appellate order, vide proceedings dated 25.11.2005. The petitioner questions the said order of the revisional authority.

When the appeal was allowed, after hearing and giving a reasonable opportunity to the dealer, holding that the allegations against the dealer are trivial and technical in nature but not grave and serious, but, however, when a revision is filed, I am of the opinion that the revisional authority ought not to have granted stay, without hearing the petitioner, in the absence of any grave and serious allegations against the petitioner.

Having regard to the facts and circumstances of the case, the impugned order dated 25.11.2005 is set aside, and the 1st respondent may consider and dispose of the revision itself, after giving a reasonable opportunity to the petitioner as well as to respondents 5 and 6, in accordance with law.

With the above observations, the Writ Petition is allowed. No order as to costs.

V.ESWARAIAH,J

Dated: 21.12.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr